

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CR32-P-B

MARQUET JOHNSON,

DEFENDANT.

FOURTH ORDER CONTINUING TRIAL

This matter comes before the court upon the Government's second motion to continue trial [26-1]. Upon due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for September 12, 2005. The Government avers that it needs a continuance to afford it additional time for one or more of its primary witnesses to return from search and rescue efforts on the Gulf coast in the aftermath of Hurricane Katrina.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(3)(A), the period of delay from September 12, 2005 until the new trial date to be set in this matter from the Speed Trial Act time period. The time is excludable under subsection (h)(3)(A) because the period of delay results from the absence and/or unavailability of one or more essential witnesses for the Government.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) the Government's second motion to continue trial [26-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, October 11, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from September 12, 2005 to October 11, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is September 19, 2005; and

(5) The deadline for submitting a plea agreement is September 26, 2005.

SO ORDERED, this 7th day of September, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE